

Appendix F

Real Estate Plan

**HAMILTON ARMY AIRFIELD WETLAND RESTORATION
DRAFT GENERAL REEVALUATION REPORT
TO INCORPORATE BEL MARIN KEYS V
NOVATO, CALIFORNIA**

REAL ESTATE PLAN

General Project Description

The purpose of this project is to increase the ability of the Hamilton Wetlands Restoration Project to beneficially reuse dredged material and to provide endangered species habitat. The Bel Marin Keys V (BMKV) parcel would also increase operational flexibility. The addition of the BMKV parcel is the purpose of the General Reevaluation Report (GRR) to the Hamilton Wetlands Restoration Project (HWRP). This would expand the existing authorized HWRP to include the BMKV area. There is also an area consisting of two acres that is required for a kiosk, parking, and restrooms. There is also a Bay Trail component to the project, which is incorporated into the BMKV parcel area.

This Real Estate Plan is an appendix to the GRR. A conceptual restoration plan, feasibility study, and environmental impact report/environmental impact study (EIR/EIS) were completed in December 1998 for the 101(b)(3) of WRDA 1999, which approved a project at Hamilton Airfield "substantially in accordance with" plans recommended in a final report of the Chief of Engineers. Legislative authorization was made contingent to issuance of a favorable report by 31 December 1999. The total cost of HWRP authorized in WRDA 1999 was \$55.2M. The Chief's Report was signed on 3 August 1999. The Hamilton Project is presently in final engineering design, and initial construction is expected to commence in summer of 2002. A Real Estate Plan was prepared for the HWRP Feasibility Report. Following are the real estate requirements and the valuation included in that report:

Feature	Estate	Owner	Acreage
Wetland Site	Fee	Army	644.19 acres
Wetland Site	Fee	SLC	318.62 acres
Wetland Site	Fee	*Navy	18.37 acres
Levee	Levee Easement	City of Novato	5.59 acres
Pipeline	Pipeline Easement	Navigation Servitude	0.76 acre

*The Navy quitclaimed part of the 18.37 acres to the City of Novato. Part of the area quitclaimed, .69 acre will need to be conveyed to the State Coastal Conservancy (NFS). The City of Novato will quitclaim this land to the NFS.

TOTAL VALUATION OF REQUIRED LANDS - \$80,743.00 per Feasibility Report and with consideration that the NFS would not receive credit for Federal lands that they receive at no cost.

The Corps and the State Coastal Conservancy (SCC), the non-Federal sponsor (NFS), in collaboration with the San Francisco Bay Conservation and Development Commission (BCDC), is seeking to restore a 1610-acre site, BMKV for an expansion of the Hamilton Wetlands Project at Hamilton Army Airfield (HAAF). This effort has been undertaken by the completion of a Section 204 Initial Appraisal Report (IAR), which was completed in September 2000. This draft report is now underway for the purposes of obtaining WRDA '02 authorization.

Description of Project Area

The project area, BMKV, is a 1610-acre parcel that lies in an unincorporated area southeast of Novato, Marin County, California. The parcel is bounded by an existing residential development and Novato Creek to the north, San Pablo Bay to the east, Pacheco Pond to the west, and Hamilton Army Airfield to the south. There is also a two-acre parcel adjacent to the west side of HWRP (panhandle area) that will accommodate a kiosk, parking, and restrooms. The BMKV site historically supported tidal wetland habitat. However, during the late 1800's, levees were constructed to separate the site from the tidal influence of San Pablo Bay permitting agricultural use. The area has remained in cultivation since that time and now supports hay production. Over the last century, the site has subsided to an elevation below mean sea level. There are numerous flood and drainage easements and Marin County flood zoning ordinances and codes. The NFS acquired the property with such encumbrances. They do not have any impact on the potential use of the property. A portion of the BMKV site was in the early stages of a housing development, and lands had been developed for such subdividing when the owner, California Quartet, met with resistance from Marin County. The SCC purchased the BMKV property for the purpose of habitat restoration and with the intent of including this area as an expansion of the HWRP.

National Ecosystem Restoration (NER) Plan

This Real Estate Plan is in support of an environmental restoration project and, therefore, does not consider a National Economic Development Plan. ER-1105-2-100 states "Ecosystem restoration is one of the primary missions of the Corps of Engineers Civil Works program. The Corps' objective in ecosystem restoration planning is to contribute to national ecosystem restoration (NER). ... Single purpose ecosystem restoration plans shall be formulated and evaluated in terms of their net contributions to increases in ecosystem value (NER) outputs, expressed in non-monetary units..."

NER PLAN DESCRIPTION

Alternative 2 is the NER. The selected alternative provides two tidal wetland cells with breaches to San Pablo Bay and Novato Creek, seasonal wetland and upland habitat, 21-acre expansion to Pacheco Pond, flood storage for BMK South Lagoon and beneficially re-uses 17.3 MCY of dredged material. Tidal (tidal marsh, tidal flat, subtidal) and nontidal (high-transitional marsh, seasonal wetlands, upland) habitat types would be restored to the expansion site (BMKV). Imported dredged material (determined to be suitable wetland cover material based on DMMO requirements) would be used to create upland and seasonal wetland habitats, and to create surface elevations suitable to accelerate the establishment of tidal marsh vegetation. Final marsh plain elevations would develop over time through the natural deposition of sediments from San Pablo Bay, supporting the establishment of tidal marsh vegetation. There will also be a cost shared recreation feature which will include an area, comprised on 2 acres and located adjacent to the west side of the HWRP (panhandle area), for a kiosk, parking, and restroom area. The recreation feature will also include a Bay Trail that will be located on the BMKV parcel and along the HWRP and the Navy Ball Fields 3 & 4.

Total Lands Required for BMKV Increment to HWRP

Feature – Wetland Site

Acres – 1610-acre parcel

Estate – Fee

Owner – State Coastal Conservancy (NFS)

Feature – Recreation Area

Acres - 2 acres - for recreation (site for kiosk, parking, and restroom area)

Estate – Fee

Owner– City of Novato

Feature – Recreation Bay Trail

Acres - Included on 1610-acre site owned by State Coastal Conservancy and along the southern boundary of the HWRP parcel and along the Navy Ball Fields 3 & 4.

Estate – Fee

Owner – State Coastal Conservancy owns the 1610 site, and Navy owns the Ball Fields 3 & 4, which they will provide to the NFS in a Public Benefit Conveyance. This is in accordance with the authorized HWRP.

Sponsor Provided Lands

Sponsor will provide the 1610 acres for the wetland site, the 2-acre site for the recreation feature, and the .69-acre required for the HWRP. Subsequent to the authorization of the HWRP, the Navy quitclaimed .69-acre of the Navy Ball Fields to the City of Novato. The City of Novato agrees to transfer this .69-acre to the NFS.

Estates

The only estate required for the BMKV increment/addition to the HWRP is fee. There is no request for approval of a non-standard estate.

Baseline Cost Estimate

A gross appraisal was prepared for this property at the October 2001 price levels. The land cost estimates are based on this report. All lands, regardless of ownership, have been estimated at fair market value. There is no difference between State and Federal rules in the valuation of the lands to be acquired.

Project	Non-Federal	Federal	LERRDS	Total
BMKV	\$369,200	\$164,000	\$19,109,201	\$19,642,401

Utility/Facility Relocations

There are five high voltage electric transmission line towers that are owned by Pacific Gas and Electric Company (PG&E) that will require “protection in place”. This will involve these towers being jacketed with asphalt and concrete to minimize erosion and corrosion associated with tidal inundation. Utility service would not be interrupted during this activity. This work is a construction cost.

A new outfall pipeline would be installed along the levee (the existing alignment) that separates the project site from the adjacent HAAF parcel. This outfall pipe will replace the Novato Sanitary District’s (NSD) existing outfall pipe, which will be abandoned in place. This utility was determined to be a utility relocation and approved as such in the authorized HWRP. This relocation was determined to be compensable and shall be cost shared as a LERRDs item. There is, however, the necessity for a realignment of the NSD pipeline due to the expanded Pacheco Pond area, which will require an extension of the NSD pipe of approximately 400 feet for the BMK project. This additional pipeline is considered a utility relocation, and an Attorney’s Opinion of Compensability has been prepared which determined that this utility “relocation” is compensable and will consequently be cost shared under LERRDs.

“ANY CONCLUSION OR CATEGORIZATION CONTAINED IN THIS REPORT THAT AN ITEM IS A UTILITY OR FACILITY RELOCATION TO BE PERFORMED BY THE NON-FEDERAL SPONSOR AS PART OF ITS LERRD RESPONSIBILITIES IS PRELIMINARY ONLY. THE GOVERNMENT WILL MAKE A FINAL DETERMINATION OF THE RELOCATIONS NECESSARY FOR THE CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE PROJECT AFTER FURTHER ANALYSIS AND COMPLETION AND APPROVAL OF FINAL ATTORNEY’S OPINIONS OF COMPENSABILITY FOR EACH OF THE IMPACTED UTILITIES AND FACILITIES.”

Public Law 91-646, The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended by Public Law 100-17

There are no Public Law 91-646 Relocations involved in this proposed BMKV addition to the HWRP, nor are there any in the HWRP.

Non-Federal Sponsor's Ability to Acquire

The non-Federal sponsor is the State Coastal Conservancy (SCC) who is an agency of the State of California. The SCC has the authority pursuant to Division 21 of the California Public Resources Code to accept the dedication of fee title, easements, or other interests in lands whose reservation is required to meet the policies and objectives of the San Francisco Bay Plan and to acquire real property or any interests therein for the purposes including the restoration and enhancement of coastal resources, subject to the Director of General Services, pursuant to California Govt. Code Section 11005. The SCC does not have a real estate staff. The property acquisitions in this project involve transfers of property from the Army, State Lands Commission, U.S. Navy, and City of Novato. The NFS has already acquired the BMKV parcel. The SLC property may be acquired through eminent domain proceedings, or through another appropriate arrangement between the SLC and the non-Federal Sponsor, as will be determined at the time that the SLC parcel has been placed in a condition suitable for project implementation. The NFS will acquire the necessary two acres of land for the area required for the kiosk, parking, and restrooms from the City of Novato and the .69-acre area of the Navy Ball Fields 3 & 4 that were transferred to the City of Novato by the Navy. The NFS will acquire Ball Fields 3 & 4, with the exclusion of the .69-acre area mentioned above, through a Public Benefits Conveyance. This acquisition of the Ball Field area will be for the HWRP and is only mentioned in this BMKV report to clarify the change regarding the .69-acre site being quitclaimed to the City of Novato subsequent to the authorization of the HWRP.

Attitude of Landowners

The BMKV parcel is already owned by the State Coastal Conservancy (non-Federal sponsor). The City of Novato owns the two acres for the Recreation Area and the .69-acre of the Navy Ball Fields 3 & 4. The City of Novato has agreed to quitclaim these areas to the NFS. The NFS is obtaining a Public Benefit Conveyance from the Navy for the remaining area of the Navy Ball Fields 3 & 4, which is being coordinated. (The Ball Field lands pertain to the HWRP.)

Mitigation

This project is an environmental project and there are no features of the project that will require mitigation.

Hazardous, Toxic, and Radiological Waste (HTRW)

There has not been any detection of contaminants that would impact this project. There has been a Phase I and a Phase II Report done by the sponsor when they acquired the property. The California Department of Toxic Substances Control (DTSC) has not expressed any concerns.

Minerals

The sponsor will contact Bureau of Land Management for confirmation that there are no minerals. There are no valuable minerals impacted by this project. There was, therefore, no enhancement for mineral deposits included in the baseline cost estimate.

Project Map

A project map is attached to the Real Estate Plan.

Acquisition Schedule

An acquisition schedule is attached to this Real Estate Plan. The schedule has been coordinated with the Project Manager and the NFS.

**SCHEDULE A
REAL ESTATE MILESTONES**

Hamilton Wetland Restoration/BMKV GRR	*COE Start	*COE Finish	*NFS Start	*NFS Finish
Execution of PCA		01/04		01/04
Landowner Meeting	N/A	N/A	N/A	N/A
Prepare Mapping/Legal Descriptions			N/A	N/A
Obtain/Review Title Evidence			N/A	N/A
Obtain/Review Appraisals			N/A	N/A
Conduct Negotiations			N/A	N/A
Perform Closings			N/A	N/A
Perform Condemnations			N/A	N/A
**Obtain Possession of .69-acre and two-acre sites from City of Novato			01/04	01/04
Complete Review of PL 91-646 Relocations			N/A	N/A
Conduct/Review Facility/Utility Relocations			01/03	11/03
Certify all Necessary LERRDS are Available for Construction	02/04	02/04		
Prepare & Submit Credit Requests			06/04	06/04
Review/Approve or Deny Credit Request			08/04	10/04
Establish Value for Creditable LERRD in F&A Cost Accounting System			01/05	04/05

*COE – Corps of Engineers

*NFS – Non-Federal Sponsor

**City of Novato will transfer .69-acre of the Navy Ball Fields 3 & 4 and another two acres.

**ASSESSMENT OF NON-FEDERAL SPONSOR'S
REAL ESTATE ACQUISITION CAPABILITY**

I. Legal Authority:

a. Does the sponsor have legal authority to acquire and hold title to real property for project purposes?

YES

b. Does the sponsor have the power of eminent domain for this project?

YES

c. Does the sponsor have "quick-take" authority for this project?

NO

d. Are any of the lands/interests in land required for the project located outside the sponsor's political boundary?

NO

e. Are any of the lands/interests in land required for the project owned by an entity whose property the sponsor cannot condemn?

Yes, there are some areas owned by the Federal Government, but these will be acquired through the BRAC process and a PBC from the Navy.

II. Human Resource Requirements:

a. Will the sponsor's in-house staff require training to become familiar with the real estate requirements of Federal projects including PL 91-646, as amended?

NO

b. If the answer to II. a. is "yes", has a reasonable plan been developed to provide such training?

N/A

c. Does the sponsor's in-house staff have sufficient real estate acquisition experience to meet its responsibilities for the project?

YES

d. Is the sponsor's projected in-house staffing level sufficient considering its other workload, if any, and the project schedule?

NO

e. Can the sponsor obtain contractor support, if required, in a timely fashion?

YES

f. Will the sponsor likely request USACE assistance in acquiring real estate? Federal assistance may be requested and provided in the condemnation of the State Lands Commission parcel, referred to as the Antenna Field on the HWRP.

III. Other Project Variables:

a. Will the sponsor's staff be located within reasonable proximity to the project site?

YES

b. Has the sponsor approved the project/real estate schedule/milestones?
The sponsor has approved the real estate schedule milestones.

IV. Overall Assessment:

a. Has the sponsor performed satisfactorily on other USACE projects?

YES

b. With regard to this project, the sponsor is anticipated to be:
(Capable – Highly Capable – Not capable, etc.)
Highly Capable

V. Coordination:

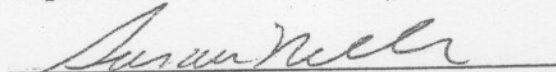
a. Has this assessment been coordinated with the sponsor?

YES

b. Does the sponsor concur with this assessment?

YES

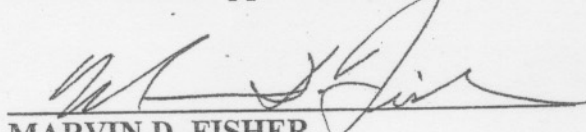
Prepared by:



SUSAN MILLER

REAL ESTATE PROGRAM MANAGER

Reviewed and Approved by:



MARVIN D. FISHER

Chief, Real Estate Division



NOTE: The data is only a representation of features of the earth compiled by computer program from raw data obtained from different sources and is not necessarily, in whole or in part, based upon any physical surveying, study or testing, professional or otherwise, of the covered property. This information is not intended as a substitute for a field survey by a licensed professional in any other case or application that

DATUM: NORTH AMERICAN 1927
PROJECTION: STATE PLANE
ZONE: CALIFORNIA 3

LEGEND



PROPERTY LINE

ADDRESS LABEL NUMBER

QUESTIONS TO BE ASKED TO WASH. FIRM

BEL MARIN KEYS V
PROPERTIESPORTION OF RANCHO SAN JOSE
MARIN COUNTY, CALIFORNIA[illegible]

Meeting Code A. H000	Date Approved 	Date
Date for 	Expires for 	Institution for A. UNIVERSITY Planning Center
Attachment for C. H000.00	Project Manager 	The current Post date (month)

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS
SACRAMENTO, CALIFORNIA

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CAGAS/STAL SECTION
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SACRAMENTO, CA 95833

NOVATO
BEL WOOD KEYE V
ADDITION TO HAMILTON AVE
CALIFORNIA
WETLANDS
RESTORATION

Sheet
reference
number:
1
Sheet 1 of 1